

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

THE CINCINNATI INSURANCE
COMPANY, an Ohio Corporation;
and THE CINCINNATI INDEMNITY
COMPANY, an Ohio Corporation,

Plaintiffs,

v.

ZAYCON FOODS LLC, a Washington
limited liability company; FRANK
MARESCA and JANE DOE
MARESCA, husband and wife, and the
marital community composed thereof;
MICHAEL GIUNTA and JANE DOE
GIUNTA, husband and wife, and the
marital community composed thereof;
MIKE CONRAD and JANE DOE
CONRAD, husband and wife, and the
marital community composed thereof;
ADAM KREMIN and JANE DOE
KREMIN, husband and wife, and the
marital community composed thereof;
and RICHARD BRADDOCK, an
individual,

Defendants.

No. 2:17-cv-00140-SMJ

ORDER RE SANCTIONS

At the Telephonic Scheduling Conference on August 4, 2017, the Court
stated its intent to sanction Plaintiffs' counsel, Gary Sparling, and Defendants'

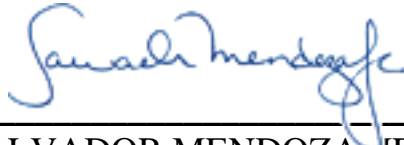
1 counsel, Carl J. Oreskovich, in the amount of \$250 each for failure to comply with
2 Federal Rule of Civil Procedure 26(f) and the Court's scheduling notice. ECF No.
3 12. The Court has the inherent power to manage its cases and courtroom
4 effectively and to ensure obedience to its orders. *Aloe Vera of Am., Inc. v. United*
5 *States*, 376 F.3d 960, 964–65 (9th Cir. 2004). “As a function of this power, courts
6 can dismiss cases in their entirety, bar witnesses, award attorney's fees and assess
7 fines.” *Id.* at 965 (quoting *F.J. Hanshaw Enters., Inc. v. Emerald River Dev., Inc.*,
8 244 F.3d 1128, 1136 (9th Cir.2001) (citations omitted). The Court does not
9 exercise its authority to sanction a member of the bar lightly, but the Court finds
10 both counsels' failure to comply with the civil rules and the Court's orders
11 concerning. This failure unnecessarily delayed the proceedings in this matter and
12 resulted in unnecessary costs to the Court and the parties.

13 Accordingly, **IT IS HEREBY ORDERED:**

- 14 **1.** Counsel may respond to this order at the telephonic hearing
15 scheduled for Thursday, August 17, 2017, at 8:45 a.m., and may file
16 a written response on or before Tuesday, August 15, 2017.
- 17 **2.** Absent evidence to the contrary, the Court will find that sanctions are
18 appropriate and will assume that \$250 is less than the amount of fees
19 and costs incurred by the parties and the Court as a result of the
20 failure to comply with the civil rules.

1 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
2 and provide copies to all counsel.

3 **DATED** this 8th day of August 2017.

4 

5 _____
6 SALVADOR MENDOZA, JR.
7 United States District Judge
8
9
10
11
12
13
14
15
16
17
18
19
20